

15.130 WAGE GARNISHMENTS

Reference:

Ohio Revised Code (ORC) Sections: 2716.05, 3113.213
Manual of Rules and Regulations - 1.33
Public Employees Assistance Program (PEAP)
Procedure 13.107 - Evaluation Supplement Log
Standards Manual - 26.1.5

Definitions:

Garnishment: A stoppage of a specified sum from an individual's wages to satisfy a creditor.

Creditor: A person or company to whom money or goods are owed.

Purpose:

Ensure integrity in the police operation.

Provide employees with appropriate incentive to deal responsibly with their personal finances.

Policy:

Employees will not undertake any financial debts which they know or should know they cannot meet. Employees will pay all legally enforceable debts when due. The Police Division will make a reasonable effort to enable employees to get help in dealing with financial problems before invoking disciplinary sanctions.

Procedure:

A. Garnishment Notice:

1. A garnishment is the result of a judgment obtained against the employee in a court of record.
2. The Clerk of Courts will serve the garnishment on the City Treasurer's Office.
 - a. State law requires the Treasurer's Office to withhold up to 25% of the employee's disposable income (gross pay minus deductions required by law) to satisfy the creditor.

3. The Treasurer's Office will notify the appropriate City division of the garnishment.

a. The Treasury notice of garnishment includes the number of garnishments received against the employee within the last twelve months. Each separate garnishment is counted, even if they all arose from the same debt.

4. After the Police Division receives notice from the Treasurer, the Internal Investigations Section (IIS) Commander will expedite the garnishment papers and a cover Form 17 to the affected bureau commander. The bureau commander will forward the garnishment papers to the affected employee's district/section/unit commander.

a. The employee's district/section/unit commander will ensure prompt service of the garnishment papers on the employee.

1) The serving supervisor will indicate service on the cover Form 17.

2) Return the completed cover Form 17 to IIS through the normal chain of command.

B. Resources for Dealing with Financial Problems:

1. The Police Division encourages employees with financial problems to seek help on a voluntary basis through PEAP.

a. The City of Cincinnati pays for services provided to City employees by PEAP.

b. Employees may call PEAP for telephone consultation or set up a private meeting for financial counseling. Services include:

1) Assessment of current financial crisis

2) Review of past due and current bills

3) Discussion of options available to resolve the immediate and longer term problems

- 4) Referral to appropriate services including but not limited to:
 - a) The Trusteeship Program: Court program that stops the garnishment and sets up a payment plan.
 - b) United Way
 - c) Debtors Anonymous

C. Division Actions Involving Garnished Employees:

1. An assignment transfer is appropriate when the employee's current assignment provides an easy opportunity for the employee to be financially compromised because of garnished wages.
2. Nothing in this procedure prevents the Police Division from invoking disciplinary sanctions against a garnished employee.
 - a. The Police Division will not discipline or dismiss an employee garnished for child support or alimony per ORC Section 3113.213.
 - b. The Police Division will not discipline or dismiss an employee for only one credit garnishment.
 - 1) A first credit garnishment will result in an entry in the employee's Evaluation Supplement Log (ESL). The employee's unit supervisor will refer the employee to PEAP for financial counseling on a voluntary basis.
 - c. Progressive disciplinary actions will follow additional garnishments incurred within a thirty-six month period.
 - 1) A second credit garnishment will result in a written reprimand. The employee's unit supervisor will refer the employee to PEAP for financial counseling on a mandatory basis. The unit supervisor will prepare and serve the PEAP referral on the employee.

- a) A copy of the PEAP referral will be returned to IIS with the other paperwork.
 - b) The unit supervisor issuing the PEAP referral will check with PEAP after one month to confirm that the employee attended a financial counseling session. The unit supervisor will request a confirmation letter from PEAP. The unit supervisor will forward a copy of the letter from PEAP to IIS.
- 2) Three or more credit garnishments will result in a Disciplinary Hearing for the employee.